

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

JEFFREY WAYNE DEAN
RENCO TRUCKING, INC.
REYNOLDS TRUCKING, LLC

PLAINTIFFS

v. CASE NO.:

NATHANIEL HARLEY HERNANDEZ

DEFENDANT

COMPLAINT

COMES NOW, Jeffrey Wayne Dean, Renco Trucking, Inc. and Reynolds Trucking, LLC, by Counsel, and hereby submits the following in support of their Complaint.

PARTIES

1. Jeffrey Wayne Dean is a citizen of Virginia, and resides in Wise County, Virginia.
2. Renco Trucking, Inc. is a Virginia Stock Corporation. Its principal place of business is located in Wise County, Virginia.
3. Renco owns large trucks and trailers that use the interstate highways, and rents these trucks and trailers to a separate legal entity.
4. Reynolds Trucking, LLC is a Virginia Limited Liability Corporation. Its principal place of business is located in Wise County, Virginia.
5. Reynolds leases trucks and trailers from Renco.
6. Nathaniel Harley Hernandez is a citizen of Texas, and resides in San Juan, Texas.

JURISDICTION AND VENUE

7. This Court has jurisdiction of this matter pursuant to 28 USC §1332 because there is complete diversity of citizenship between the Plaintiffs and the Defendant, and the amount in controversy exceeds the minimum statutory amount for federal jurisdiction.
8. All of the acts that give rise to this Complaint occurred in the Western District of Virginia, Abingdon Division.
9. Venue is appropriate in this Court pursuant to 28 USC §1391.

FACTS

10. At all times relevant to the acts that give rise to this proceeding, Hernandez was operating a tractor trailer rig on Interstate 81 in Smyth County, Virginia.
11. At all times relevant to the acts that give rise to this proceeding, Hernandez was the owner of the tractor trailer rig that was being operated on Interstate 81 in Smyth County, Virginia.
12. At all times relevant to the acts that give rise to this proceeding, Hernandez was traveling south bound on Interstate 81 in Smyth County.
13. Hernandez had multiple legal duties associated with the operation of the tractor trailer rig, both as the owner of the tractor trailer rig and as the operator of the tractor trailer rig.
14. The legal duties imposed upon Hernandez included, but are not limited to the following:
 - (A) Duty to keep adequate maintenance records;
 - (B) Duty to maintain the tractor trailer rig in a safe condition for travel along interstate highways;
 - (C) Duty to inspect the tires of the tractor trailer rig for wear and tear;
 - (D) Duty to keep the tractor trailer rig in a safe condition; and
 - (E) Duty to operate the tractor trailer rig in accordance with all the traffic laws in Virginia and federal regulations, including the FMCSA.

15. At all times relevant to the acts that give rise to this proceeding, Dean was operating a tractor trailer rig on Interstate 81 in Smyth County, Virginia at the same time and date as Hernandez.
16. At all times relevant to the acts that give rise to this proceeding, Renco was the owner of the tractor that was being operated on Interstate 81 in Smyth County, Virginia by Dean, and Reynolds was leasing the tractor from Renco.
17. At all times relevant to the acts that give rise to this proceeding, Dean was traveling north bound on Interstate 81.
18. On January 31, 2023, Hernandez violated his legal duties described above, which caused his tractor trailer rig to travel from its proper lane on Interstate 81, and then travel through the median and strike the tractor trailer that was being operated by Dean traveling in the opposite direction.
19. On January 31, 2023, Hernandez was negligent in the maintenance and operation of his tractor trailer rig.
20. The violation of the legal duties and the negligence of Hernandez was the proximate cause of the crash described above.
21. Dean sustained personal injuries from the crash, including but not limited to, pain and suffering, possible permanent disabilities, loss of income, future lost wages and medical expenses, all as a proximate cause of the violation of the legal duties and the negligence of Hernandez.
22. Reynolds has sustained a business loss of income from the crash, all as a proximate cause of the violation of the legal duties and the negligence of Hernandez.

23. Renco has sustained property damage from the crash, including towing and recovery costs, all as a proximate cause of the violation of the legal duties and the negligence of Hernandez.

COUNT 1: DEAN'S CLAIM

24. Dean incorporates the allegations of Paragraph 1-23 above.
25. Dean has sustained personal injuries as described above, and seeks compensatory damages in the amount of Two Million Five Hundred Thousand Dollars [\$2,500,000].

COUNT 2: REYNOLDS' CLAIM

26. Reynolds incorporates the allegations of Paragraph 1-23 above.
27. Reynold has sustained a loss of income from the crash and seeks compensatory damages in the amount of One Hundred Thousand Dollars [\$100,000.00].

COUNT 3: RENCO'S CLAIM

28. Renco incorporates the allegations of Paragraph 1-23 above.
29. Renco has sustained property damages from the crash and seeks compensatory damages in the amount of Two Hundred Ten Thousand Dollars [\$210,000.00].

JURY TRIAL DEMAND

Pursuant to FRCP 38, Plaintiffs demand a trial by jury.

WHEREFORE, the Plaintiffs, by Counsel, hereby pray for the following relief:

- (A) Judgment in favor Dean on his claims of compensatory damages and personal injury, with interest from January 31, 2023, and his taxable costs;
- (B) Judgment in favor Reynolds on its claims, with interest from January 31, 2023, and its taxable costs; and

(C) Judgment in favor Renco on its claims, with interest from January 31, 2023, and its taxable costs.

JEFFREY WAYNE DEAN, RENCO TRUCKING, INC. and
REYNOLDS TRUCKING, LLC
BY COUNSEL


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